

Title 32: PROFESSIONS AND OCCUPATIONS

Chapter 32: OCCUPATIONAL THERAPISTS

Table of Contents

Section 2271. DECLARATION OF PURPOSE.....	3
Section 2272. DEFINITIONS.....	3
Section 2273. BOARD OF OCCUPATIONAL THERAPY PRACTICE; ESTABLISHMENT; COMPENSATION.....	5
Section 2274. BOARD OF OCCUPATIONAL THERAPY PRACTICE; POWERS AND DUTIES.....	6
Section 2275. BOARD OF OCCUPATIONAL THERAPY PRACTICE; ADMINISTRATIVE PROVISIONS (REPEALED).....	7
Section 2276. LICENSE REQUIRED.....	7
Section 2277. PERSONS AND PRACTICES EXEMPT.....	7
Section 2278. TEMPORARY LICENSE.....	8
Section 2279. QUALIFICATIONS.....	8
Section 2280. EXAMINATION FOR LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS (REPEALED).....	10
Section 2280-A. NATIONAL EXAMINATION FOR LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS.....	10
Section 2281. WAIVER OF REQUIREMENTS FOR LICENSURE.....	10
Section 2282. ISSUANCE OF LICENSE.....	10
Section 2283. RENEWAL OF LICENSE.....	10
Section 2284. FOREIGN-TRAINED APPLICANTS.....	11
Section 2285. FEES.....	12
Section 2286. DISCIPLINARY ACTIONS.....	12

Maine Revised Statutes
Title 32: PROFESSIONS AND OCCUPATIONS
Chapter 32: OCCUPATIONAL THERAPISTS

§2271. DECLARATION OF PURPOSE

In order to safeguard the public health, safety and welfare, to protect the public from incompetent and unauthorized persons; to assure the highest degree of professional conduct on the part of occupational therapists and certified occupational therapy assistants; and to assure the availability of occupational therapy services of high quality to persons in need of those services, it is the purpose of this chapter to provide for the regulation of persons offering occupational therapy services. [1997, c. 294, §1 (AMD).]

SECTION HISTORY

1983, c. 746, §2 (NEW). 1997, c. 294, §1 (AMD).

§2272. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1997, c. 294, §2 (RPR).]

1. ACOTE. "ACOTE" means the Accreditation Council for Occupational Therapy Education, a nationally recognized accrediting agency for professional programs in the field of occupational therapy.

[1997, c. 294, §2 (RPR) .]

2. AOTA. "AOTA" means the American Occupational Therapy Association.

[1997, c. 294, §2 (RPR) .]

3. Board. "Board" means the Board of Occupational Therapy Practice established under this chapter.

[1997, c. 294, §2 (RPR) .]

4. Certification examination. "Certification examination" means the certification examination for a registered occupational therapist or the certification examination for certified occupational therapy assistant, both of which are administered by NBCOT.

[1997, c. 294, §2 (RPR) .]

5. Certified occupational therapy assistant. "Certified occupational therapy assistant" means an individual who has passed the certification examination of the National Board for Certification in Occupational Therapy for an occupational therapy assistant or who was certified as an occupational therapy assistant prior to June 1977 and who is licensed to practice occupational therapy under this chapter in the State under the supervision of an occupational therapist.

A. [1997, c. 294, §2 (RP).]

B. [1997, c. 294, §2 (RP).]

C. [1997, c. 294, §2 (RP).]

[1997, c. 294, §2 (RPR) .]

6. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation.

[1997, c. 294, §2 (RPR) .]

7. Department. "Department" means the Department of Professional and Financial Regulation.

[1997, c. 294, §2 (RPR) .]

7-A. Occupational therapy practitioner.

[1997, c. 683, Pt. B, §18 (RAL) .]

8. Developing programs. "Developing programs" means programs that submitted a letter of intent to seek accreditation by ACOTE prior to December 1, 1994.

[1997, c. 294, §2 (RPR) .]

9. Level II fieldwork. "Level II fieldwork" means the experience required to prepare occupational therapy and occupation therapy assistant students to carry out professional responsibilities under appropriate supervision and professional role modeling.

A minimum of 6 months, or 940 hours, of level II fieldwork is required for occupational therapy educational programs.

A minimum of 12 weeks, or 440 hours, of level II fieldwork is required for occupational therapy assistant educational programs.

[1997, c. 294, §2 (NEW) .]

10. NBCOT. "NBCOT" means the National Board for Certification in Occupational Therapy, formerly the AOTCB, or American Occupational Therapy Certification Board.

[1997, c. 294, §2 (NEW) .]

11. Occupational therapist. "Occupational therapist" means an individual who has passed the certification examination of the National Board for Certification in Occupational Therapy for an occupational therapist or meets the requirements of section 2279, subsection 6 and who is licensed to practice occupational therapy under this chapter in the State.

[1997, c. 294, §2 (NEW) .]

12. Occupational therapy. "Occupational therapy" means the assessment, planning and implementation of a program of purposeful activities to develop or maintain adaptive skills necessary to achieve the maximal physical and mental functioning of the individual in the individual's daily pursuits. The practice of "occupational therapy" includes, but is not limited to, assessment and treatment of individuals whose abilities to cope with the tasks of living are threatened or impaired by developmental deficits, the aging process, learning disabilities, poverty and cultural differences, physical injury or disease, psychological and social disabilities or anticipated dysfunction, using:

A. Treatment techniques such as task-oriented activities to prevent or correct physical or emotional deficits or to minimize the disabling effect of these deficits in the life of the individual; [1997, c. 294, §2 (NEW) .]

B. Assessment techniques such as assessment of cognitive and sensory motor abilities, assessment of the development of self-care activities and capacity for independence, assessment of the physical capacity for prevocational and work tasks, assessment of play and leisure performance and appraisal of living areas for the disabled; and [1997, c. 294, §2 (NEW) .]

C. Specific occupational therapy techniques such as daily living skill activities, the fabrication and application of splinting devices, sensory motor activities, the use of specifically designed manual and creative activities, guidance in the selection and use of adaptive equipment, specific exercises to enhance functional performance and treatment techniques for physical capabilities for work activities. [1997, c. 294, §2 (NEW) .]

The techniques may be applied in the treatment of individuals or groups.

[1997, c. 294, §2 (NEW) .]

12-A. Occupational therapy practitioner. "Occupational therapy practitioner" means an individual who is licensed as an occupational therapist registered or a certified occupational therapy assistant, both of whom are licensed occupational therapy practitioners under this chapter.

[1999, c. 386, Pt. I, §1 (AMD) .]

13. Person. "Person" means any individual, partnership, unincorporated organization or corporation.

[1997, c. 294, §2 (NEW) .]

14. Supervision of COTA. "Supervision of COTA" means initial directions and periodic inspection of the service delivery and provision of relevant in-service training. The supervising licensed occupational therapist shall determine the frequency and nature of the supervision to be provided based on the clients' required level of care and the COTA's caseload, experience and competency.

[1997, c. 294, §2 (NEW) .]

15. Supervision of temporary licensees. "Supervision of temporary licensees" includes initial and periodic inspection or written assessments, written treatment plans, patient notes and periodic evaluation of performance. The reviews and evaluations must be conducted in person by a licensed occupational therapist.

[1997, c. 294, §2 (NEW) .]

SECTION HISTORY

1983, c. 746, §2 (NEW). 1991, c. 509, §9 (AMD). RR 1993, c. 1, §87 (COR). 1997, c. 212, §1 (AMD). 1997, c. 294, §2 (RPR). 1997, c. 683, §B18 (AMD). 1999, c. 386, §I1 (AMD).

§2273. BOARD OF OCCUPATIONAL THERAPY PRACTICE; ESTABLISHMENT; COMPENSATION

1. Establishment and membership. There is established within the department, in accordance with Title 5, section 12004-A, subsection 26, a Board of Occupational Therapy Practice. The board consists of 5 members appointed by the Governor. Appointments of members must comply with Title 10, section 8009. The persons appointed to the board, other than the public member, must have been engaged in rendering occupational therapy services to the public, teaching or research in occupational therapy for at least 2 years immediately preceding their appointments. At least 3 board members must be occupational therapists. The 4th member must be either an occupational therapist or an occupational therapy assistant, if available. The remaining member must be a public member as defined in Title 5, section 12004-A. A member of the board may be removed from office for cause by the Governor.

[2007, c. 402, Pt. L, §1 (AMD) .]

2. Terms of appointment.

[2007, c. 402, Pt. L, §1 (RP) .]

3. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary and may be convened at the call of the chair or a majority of the members of the board.

[2013, c. 246, Pt. B, §8 (AMD) .]

4. Compensation.

[1995, c. 397, §43 (RP) .]

SECTION HISTORY

1983, c. 746, §2 (NEW). 1983, c. 862, §§76,77 (AMD). 1989, c. 503, §B134 (AMD). 1993, c. 600, §A139 (AMD). 1995, c. 397, §43 (AMD). 2007, c. 402, Pt. L, §1 (AMD). 2013, c. 246, Pt. B, §8 (AMD).

§2274. BOARD OF OCCUPATIONAL THERAPY PRACTICE; POWERS AND DUTIES

1. Powers. The board shall administer and enforce this chapter and evaluate the qualifications of applicants for licensure.

[2007, c. 402, Pt. L, §2 (AMD) .]

2. Rules. The board may adopt, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, rules relating to professional conduct to carry out the policy of this chapter, including, but not limited to, rules relating to professional licensure and to the establishment of ethical standards of practice for persons holding a license to practice occupational therapy in this State.

[2007, c. 402, Pt. L, §2 (AMD) .]

3. Hearings.

[2007, c. 402, Pt. L, §2 (RP) .]

4. Records.

[2007, c. 402, Pt. L, §2 (RP) .]

5. Contracts.

[1995, c. 397, §44 (RP) .]

6. Reports.

[2007, c. 402, Pt. L, §2 (RP) .]

SECTION HISTORY

1983, c. 746, §2 (NEW). 1995, c. 397, §44 (AMD). 2007, c. 402, Pt. L, §2 (AMD).

§2275. BOARD OF OCCUPATIONAL THERAPY PRACTICE; ADMINISTRATIVE PROVISIONS

(REPEALED)

SECTION HISTORY

1983, c. 746, §2 (NEW). 1985, c. 785, §B134 (AMD). 1995, c. 397, §§45,46 (AMD). 2007, c. 402, Pt. L, §3 (RP).

§2276. LICENSE REQUIRED

1. License required.

[1997, c. 294, §3 (RP) .]

1-A. License required. A person may not practice, or profess to be authorized to practice occupational therapy, as an occupational therapist or certified occupational therapy assistant in this State or use the words "occupational therapist," "registered occupational therapist," "occupational therapy assistant" or "certified occupational therapy assistant" or the letters "O.T.," "O.T.R.," "O.T.A.," "C.O.T.A." or other words or letters to indicate that the person using the words or letters is a licensed occupational therapist or certified occupational therapy assistant, or that may misrepresent to the public that the person has received formalized training in the field of occupational therapy, unless that person is licensed in accordance with this chapter.

This subsection is not intended to prohibit occupational therapy students and occupational therapy assistant students completing fieldwork from using the letters "O.T.S." and "O.T.A.S." respectively.

[1999, c. 386, Pt. I, §2 (AMD) .]

2. Individual license. Only an individual may be licensed under this chapter.

[1983, c. 746, §2 (NEW) .]

3. Unlicensed practice. A person who violates this section is subject to the provisions of Title 10, section 8003-C.

[2007, c. 402, Pt. L, §4 (AMD) .]

SECTION HISTORY

1983, c. 746, §2 (NEW). 1987, c. 597, §4 (AMD). 1997, c. 294, §3 (AMD). 1999, c. 386, §I2 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2003, c. 452, §R4 (AMD). 2003, c. 452, §X2 (AFF). 2007, c. 402, Pt. L, §4 (AMD).

§2277. PERSONS AND PRACTICES EXEMPT

Nothing in this chapter may be construed as preventing or restricting the practice, services or activities of: [1983, c. 746, §2 (NEW) .]

1. Licensed persons. Any person licensed in this State by any other law from engaging in the profession or occupation for which the person is licensed;

[1997, c. 294, §4 (AMD) .]

2. Students or trainees. Any person pursuing a supervised course of study leading to a degree or certificate in occupational therapy at a developing or an accredited or approved educational program, if the person is designated by a title that clearly indicates that person's status as a student or trainee. At the discretion of the supervising occupational therapist, the student or trainee may be assigned duties or functions commensurate with the student's or trainee's education and training.

Occupational therapy students and occupational therapy assistant students completing fieldwork may use the letters "O.T.S." and "O.T.A.S." respectively.

[1997, c. 294, §4 (AMD) .]

3. Supervised fieldworkers.

[1997, c. 294, §4 (RP) .]

4. Associates; reciprocity.

[1991, c. 509, §11 (RP) .]

5. Occupational therapy aides.

[1991, c. 509, §11 (RP) .]

SECTION HISTORY

1983, c. 746, §2 (NEW). 1991, c. 509, §§10,11 (AMD). 1997, c. 294, §4 (AMD).

§2278. TEMPORARY LICENSE

A temporary license may be granted to a person who has completed the education and level II fieldwork requirements of this chapter and who has also received NBCOT approval to sit for the appropriate certification examination. This temporary license allows the holder to practice occupational therapy under the supervision of a licensed occupational therapist. Temporary licensees shall take the first available national examination for which they become eligible. [1997, c. 294, §5 (RPR) .]

A temporary license may not be renewed more than once. [1997, c. 294, §5 (NEW) .]

Foreign trained applicants must receive approval to sit for the examination from NBCOT in order to be eligible for a temporary license. [1997, c. 294, §5 (NEW) .]

No more than one temporary license may be granted to a person who has completed the education requirements of this chapter. This license allows the holder to practice occupational therapy under the supervision of a licensed occupational therapist. This license must be issued for a term of 6 months and may be renewed for an additional 6 months at the discretion of the board. [2011, c. 286, Pt. G, §1 (NEW) .]

SECTION HISTORY

1983, c. 746, §2 (NEW). 1991, c. 509, §12 (AMD). 1997, c. 294, §5 (RPR). 2011, c. 286, Pt. G, §1 (AMD).

§2279. QUALIFICATIONS

An applicant applying for a license as an occupational therapy practitioner must file a written application showing that the applicant meets the following requirements. [2007, c. 402, Pt. L, §5 (AMD) .]

1. Residence. An applicant need not be a resident of this State.

[1983, c. 746, §2 (NEW) .]

2. Character.

[1997, c. 294, §6 (RP) .]

2-A. Character references.

[2013, c. 217, Pt. J, §2 (RP) .]

3. Education. An applicant must present evidence satisfactory to the board of having successfully completed the academic and fieldwork requirements of an educational program in occupational therapy or occupational therapy assisting.

A. The occupational therapy or occupational therapy assisting educational program must be accredited by ACOTE. [1997, c. 294, §6 (AMD).]

B. [1997, c. 294, §6 (RP).]

[1997, c. 294, §6 (AMD) .]

4. Experience.

[1997, c. 294, §6 (RP) .]

5. Examination. An applicant for licensure as an occupational therapy practitioner must pass an examination as provided for in section 2280-A.

[1997, c. 683, Pt. B, §20 (RPR) .]

6. Licensure. An applicant may be licensed as an occupational therapist if the applicant has practiced as an occupational therapy assistant for 4 years, has completed the level II fieldwork requirements for an occupational therapist before January 1, 1988, and has passed the examination for occupational therapists.

[1997, c. 294, §6 (AMD) .]

7. Certification. An applicant must submit a verification of certification form from NBCOT. The form must be completed and signed by NBCOT. An applicant applying within 3 months of having taken the certification examination who has the examination scores sent directly to the board is exempt from this requirement.

[1997, c. 294, §6 (NEW) .]

8. Fee. An applicant must pay an application fee and license fee as set under section 2285.

[2007, c. 402, Pt. L, §5 (AMD) .]

SECTION HISTORY

1983, c. 746, §2 (NEW). 1991, c. 509, §13 (AMD). 1997, c. 212, §§2,3 (AMD). 1997, c. 294, §6 (AMD). 1997, c. 683, §§B19,20 (AMD). 2007, c. 402, Pt. L, §5 (AMD). 2013, c. 217, Pt. J, §2 (AMD).

§2280. EXAMINATION FOR LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

(REPEALED)

SECTION HISTORY

1983, c. 746, §2 (NEW). 1991, c. 509, §14 (AMD). 1997, c. 294, §7 (RP).

§2280-A. NATIONAL EXAMINATION FOR LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

The certification examination of NBCOT for the occupational therapist or occupational therapy assistant satisfies examination requirements of the board. [2007, c. 402, Pt. L, §6 (AMD).]

The certification examination for the occupational therapy assistant may be waived for any person who was certified as an occupational therapy assistant by the American Occupational Therapy Association prior to June 1977. [1997, c. 294, §8 (NEW).]

SECTION HISTORY

1997, c. 294, §8 (NEW). 2007, c. 402, Pt. L, §6 (AMD).

§2281. WAIVER OF REQUIREMENTS FOR LICENSURE

The board shall grant a license to any person who, prior to July 25, 1984, successfully completed an examination administered by the Psychological Corporation under contract with the American Occupational Therapy Certification Board if that person meets the requirements of section 2279, subsections 1 and 3. [2013, c. 217, Pt. J, §3 (AMD).]

SECTION HISTORY

1983, c. 746, §2 (NEW). 1991, c. 509, §15 (AMD). 1997, c. 294, §9 (AMD). 2013, c. 217, Pt. J, §3 (AMD).

§2282. ISSUANCE OF LICENSE

The board shall issue a license to any person who meets the requirements of this chapter upon payment of the license fee as set under section 2285. [2007, c. 402, Pt. L, §7 (AMD).]

SECTION HISTORY

1983, c. 746, §2 (NEW). 2007, c. 402, Pt. L, §7 (AMD).

§2283. RENEWAL OF LICENSE

1. Renewal. A license renewal fee as set under section 2285 must be paid by the licensee. Licenses issued under this chapter are subject to renewal and expire on the stated expiration date as determined by the commissioner. Any license not renewed by the designated renewal date automatically expires. Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee in addition to the renewal fee as set under section 2285. Any person who submits an application for renewal more than 90 days after the date of expiration is subject to all requirements governing new applicants under this chapter, except that the board, giving due consideration to the protection of the public, may waive examination if that renewal application is received, together with the late fee and renewal fee, within 2 years from the date of the expiration.

[2007, c. 402, Pt. L, §8 (RPR) .]

2. Inactive status.

[1991, c. 509, §16 (RP) .]

3. Continuing education. Each license renewal must be accompanied with evidence of continuing education as established by board rule.

[1991, c. 509, §17 (AMD) .]

SECTION HISTORY

1983, c. 746, §2 (NEW). 1991, c. 509, §§16,17 (AMD). 1997, c. 294, §10 (AMD). 2007, c. 402, Pt. L, §8 (AMD).

§2284. FOREIGN-TRAINED APPLICANTS

Foreign-trained applicants are subject to the provisions of this section. [1997, c. 294, §11 (RPR) .]

1. Approval. Applicants must receive approval for their educational programs, supervised fieldwork and English language proficiency, based on standards set by NBCOT.

[1997, c. 294, §11 (NEW) .]

2. Character references. Applicants must submit 2 completed character reference forms acceptable to the board.

[1997, c. 294, §11 (NEW) .]

3. Examination. Applicants for licensure as occupational therapists or occupational therapy assistants must pass an examination as provided for in section 2280-A.

[1997, c. 294, §11 (NEW) .]

4. Certification. Applicants, except those applying within 3 months of having taken the certification examination who have their examination scores sent directly to the board, must submit a verification of certification form, provided by either the board or NBCOT. All forms must be completed and signed by NBCOT.

[1997, c. 294, §11 (NEW) .]

5. Fee. Applicants must pay the application and license fees as set under section 2285.

[2007, c. 402, Pt. L, §9 (AMD) .]

6. Temporary license. Foreign-trained applicants must receive approval to sit for the examination from NBCOT in order to be eligible for a temporary license.

[1997, c. 294, §11 (NEW) .]

SECTION HISTORY

1983, c. 746, §2 (NEW). 1997, c. 294, §11 (RPR). 2007, c. 402, Pt. L, §9 (AMD).

§2285. FEES

The Director of the Office of Professional and Occupational Regulation within the department may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$120. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [2007, c. 402, Pt. L, §10 (NEW); 2011, c. 286, Pt. B, §5 (REV).]

SECTION HISTORY

1983, c. 746, §2 (NEW). 1991, c. 509, §18 (AMD). 1995, c. 502, §H30 (AMD). 1997, c. 294, §13 (AMD). 2007, c. 402, Pt. L, §10 (RPR). 2011, c. 286, Pt. B, §5 (REV).

§2286. DISCIPLINARY ACTIONS

1. Complaints.

[2007, c. 402, Pt. L, §11 (RP) .]

2. Disciplinary action. The board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for any of the reasons enumerated in Title 10, section 8003, subsection 5-A, paragraph A.

[2007, c. 402, Pt. L, §12 (RPR) .]

3. Reinstatement. An application for reinstatement may be made to the board one year from the date of revocation of a license. The board may accept or reject an application for reinstatement and hold a hearing to consider the reinstatement.

[1983, c. 746, §2 (NEW) .]

SECTION HISTORY

1983, c. 746, §2 (NEW). 1997, c. 294, §14 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 402, Pt. L, §§11, 12 (AMD).

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